

Guidance Note

WRC Adjudication Hearing

Introduction

The following is a general guide for the structure and procedure of a WRC Adjudication Hearing. It is a matter for the Adjudication Officer to run the hearing/investigation as appropriate for the circumstances of the case and in accordance with fair procedures.

At the start of the hearing the Adjudicator will welcome the parties and introduces themselves as the person appointed by the Director General to investigate the claims being heard today. They will advise everyone present as to how they will conduct the hearing.

The Adjudicator will clarify the claim(s) before them and verify appropriate data, depending on the type of claim.

The hearing is confidential and no recording of the hearing is permitted. Refusal to adhere to this rule may result in the hearing being terminated.

Investigations into claims made under the Industrial Relations Acts are less formal and hearings will be conducted by the Adjudicator as appropriate to the claim before them.

All other hearings will be conducted in accordance with the following guidelines:

- The Adjudication Officer will ask if any preliminary issues need to be addressed. In the vast majority of cases the Adjudicator will take evidence in relation to preliminary points raised from both parties and then proceed to hear the substantive claim(s).
- Both parties will, in turn, be asked to give a concise outline of their position in relation to the claims made (the type of case will determine which side starts first).
- Then the Adjudicator will take direct evidence from both parties and all other relevant witnesses, if required. If a party is unrepresented the Adjudicator may lead the questions, otherwise this will be done through their representative.
- The other party, or their representative, will be given the opportunity to question the parties and other witnesses regarding the evidence they have given.
- When all evidence has been taken both parties are given the opportunity to present a summing up of the case, firstly by the party, or their representative, on whom the burden of proof rests, including submission of legal points and introduction of relevant case law. Then by the other party, or their representative, including submission of legal points and introduction of relevant case law.
- In exceptional circumstances only the Adjudicator may accede to a request for or decide that further information needs to be submitted after the hearing and the timelines for such submissions will be agreed at the hearing. These timelines must be strictly adhered to. Failure to do so may result in decisions being issued in any event.

A written decision stating their names will be issued to the parties. An anonymised version of the decision will be uploaded to the Workplace Relations website. The exception to this are claims taken under the Employment Equality Acts, Pensions Acts and Equal Status Acts and parties will be named on the version uploaded to the website unless the Adjudication Officer decides there is a reason to anonymise the parties.

About Us

Aperture Partners is a provider of search and advisory services to a diverse client base. Our goal is to develop lasting partnerships, built upon our core values of integrity, honesty and a commitment to excellence. Aperture Partners Advisory provides a wide range of professional employment law and human resource services based on expert knowledge and practical experience.

Aperture Partners Advisory manages risk along the entire employment spectrum, from employee hiring, through to employee exit, being entrusted to manage our clients' most reputationally sensitive and complex employee relations issues. We can provide this exceptional support thanks to our unique balanced practice model, combining real-world human resource guidance, informed by relevant employment law provisions.




Barry trained as a solicitor with Arthur Cox before working with global law firm, Dechert. He is a solicitor member of the Law Society of Ireland, the Dublin Solicitors Bar Association and the Employment Law Association of Ireland. Barry was educated at the National University of Ireland, Galway, the University of London, Trinity College Dublin, the Law Society of Ireland, the Honourable Society of Kings Inns and University College Dublin.

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Carmel is a former Group Head of Human Resources where she advised on best practice procedures concerning human resources and employment law issues. Carmel combines commercial acumen with sound advice to guide clients through the rigours of the employment law and human resources process. Carmel has completed a diploma in human resources management and a degree in law, from Dublin Business School. She is currently undertaking her barrister-at-law degree.

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